

mendation JB-1 as amended by Report S&D-8. A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your votes.

*(Whereupon, a roll call vote was taken.)*

THE PRESIDENT: Has every delegate voted? Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 88 votes in the affirmative and 10 in the negative, the motion is carried. The amendment is adopted.

That concludes consideration of all amendments sponsored by fifteen or more delegates.

We revert now to consideration of other amendments. Are there any other amendments to section 5.01?

The Chair hears none.

Delegate Kirkland, do you still desire to offer your Amendment I?

Will the page please try to find Delegate Kirkland?

Delegate Kirkland, do you still desire to offer your Amendment I?

DELEGATE KIRKLAND: It is really not of any use now.

THE PRESIDENT: Thank you, sir.

Delegate Johnson, do you still desire to offer your Amendment J at this time?

DELEGATE JOHNSON: Yes, Mr. President.

THE PRESIDENT: Are there any other amendments to Section 5.03? Section 5.04? Section 5.05? Section 5.06? Section 5.07? Section 5.08? Section 5.09? Section 5.10? Section 5.11? Section 5.12? Section 5.13?

The Chair hears none.

The pages will please distribute Amendment J, "J" for "jig".

I understand Amendment J was heretofore distributed. This will be Amendment No. 7.

The Clerk will read the amendment.

READING CLERK: Amendment No. 7 to Committee Recommendation JB-1 as amended by Report S&D-8, by Delegates Johnson and Jett:

On page 4, section 5.14, Eligibility for Nomination and Appointment as Judge, in

line 42 after the word "State" insert the following: "for at least five years immediately preceding his nomination."

THE PRESIDENT: Amendment No. 7 is submitted by Delegate Johnson and seconded by Delegate Jett.

The Chair recognizes Delegate Johnson.

DELEGATE JOHNSON: As a member of the Judicial Branch Committee it was my clear understanding that this was the intention of our Committee. I double checked with Chairman Mudd, and he concurs. You will recall that I asked Chairman Penniman whether or not the Committee on Style meant to maintain this intent by the Judicial Branch Committee and the Committee of the Whole, and he concurred.

I ask that this amendment be adopted because I believe that you will find, as some of us have, that there is a possibility of misunderstanding in its current drafting form.

In other words, someone may misinterpret it or attempt to interpret it to read that while an individual in order to be eligible for the office of judge must have been authorized to practice law in this State for five years preceding his nomination, he need not be a citizen in the State for five years immediately preceding his nomination.

In order to make the intent of the Committee and the intent of the Committee of the Whole perfectly clear, I urge the adoption of this amendment.

THE PRESIDENT: Delegate Mudd.

DELEGATE MUDD: Mr. President and ladies and gentlemen of the Convention:

Delegate Johnson has correctly stated our intention, and we agree completely that it is the intention of the Committee; and we feel the intention and clear meaning of section 5.14 as now drafted is that a judge, to be eligible, is required to have been a citizen of the State for at least five years immediately preceding his nomination.

We feel, and I believe Delegate Penniman concurred, that the use of the word "and" after "State" clearly indicates that the proviso for five years immediately preceding his nomination is meant to include resident as well as practice of law. We do not oppose the amendment, except to say that we feel it is unnecessary.

THE PRESIDENT: Delegate Penniman, do you have a comment?